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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,209	02/11/2004	Yoshiaki Hori	0505-1269P	9980

2292 7590 08/28/2006

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EXAMINER

TRAN, DIEM T

ART UNIT PAPER NUMBER

3748

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/775,209		HORI ET AL.	
	Examiner		Art Unit	
	Diem Tran		3748	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 9, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Ikenoya et al. (US patent 4,434,615).

Regarding claims 1, 9, Ikenoya discloses an exhaust gas purifying device for a four-cycle engine having a secondary air supply passage for supplying secondary air to an exhaust port and a valve for opening and closing the secondary air supply passage with exhaust pulsations (see col. 5, lines 5-10), comprising said exhaust port (6) is disposed parallel to a camshaft as viewed in a plan view of the engine, and said valve is disposed on a side of the engine which is perpendicular to said camshaft (see Figures 1, 3).

Regarding claims 3, 11, Ikenoya further discloses that the secondary air supply passage includes a substantially vertical hole (36) and a substantially horizontal hole (41) disposed in a cylinder block for communicating with the exhaust port (see Figure 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikenoya et al. (US Patent 4,434,615) in view of design choice.

Regarding claims 2, 10, Ikenoya discloses all the claimed limitations as discussed in claims 1, 9 above, Ikenoya further discloses that said reed valve is disposed on the front side of the vehicle body and a pipe for supplying the secondary air is connected between the valve and an air cleaner (8) disposed behind the engine (see Figures 1, 3); however, fails to disclose that said valve is disposed on either a left or right side of a vehicle body.

With regard to the limitation directed to the location of the valve being disposed on left or right side of the vehicle body, it is the examiners position that the such would have been an obvious matter of design choice well within the level of ordinary skill in the art depending on design variables such as the available spacing on a vehicle body to place the valve etc... Moreover, there is nothing in the record which establishes that the claimed ranges present a novel or unexpected result (see In re Kuhle, 526 F.2d 553, 188 USPQ 7(CCPA 1975)).

Claims 4-8, 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikenoya et al. (US Patent 4,434,615) in view of Hori et al. (US Patent 6,311,483).

Regarding claims 4, 12, Ikenoya discloses all the claimed limitations as discussed in claims 3, 9 above, however, fails to disclose that the secondary air supply passage includes a substantially vertical hole and a substantially horizontal hole disposed in a cylinder head for communicating with the exhaust port. Hori teaches that a secondary air supply passage (110)

includes a substantially vertical hole (112) and a substantially horizontal hole (111) disposed in a cylinder head for communicating with the exhaust port (see Figure 10).

It would have been obvious to one having ordinary skill in the art, to have utilized the teaching of Hori in the device of Ikenoya, since the use thereof would have been conventional in the art.

Regarding claims 5, 13, Ikenoya further discloses that said cylinder head (2) is mounted on said cylinder block (1) and said substantially vertical hole and the substantially horizontal hole disposed in the cylinder block and the cylinder head are in communication with each other and with the exhaust port.

Regarding claims 6, 14, Ikenoya further discloses that a secondary air supply conduit operatively connected to an air cleaner (8) and said substantially vertical hole and the substantially horizontal hole disposed in the cylinder block and the cylinder head for communicating air to the exhaust port (see Figures 1, 3).

Regarding claims 7, 15, Ikenoya further discloses that said valve is a reed valve (23) operatively positioned relative to the substantially vertical hole and a substantially horizontal hole disposed in the cylinder block and the cylinder head for selectively permitting communication between the secondary air supply conduit (34) and the exhaust port (6) (see Figures 1, 3).

Regarding claim 8, Ikenoya further discloses that said reed valve (23) is disposed relative to the substantially horizontal hole disposed in the cylinder block (see Figure 3).

Regarding claim 16, Ikenoya further discloses that said reed valve (23) is disposed relative to the substantially horizontal hole disposed in the cylinder block (1) (see Figure 3).

Conclusion

Any inquiry concerning this communication from the examiner should be directed to Examiner Diem Tran whose telephone number is (571) 272-4866. The examiner can normally be reached on Monday -Friday from 8:00 a.m.- 6:00p.m.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion, can be reached on (571) 272-4859. The fax number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 800-786-9199 (toll-free).



Diem Tran
Patent Examiner
Art unit 3748

DT
August 15, 2006



THOMAS DENION
SUPERVISORY PATENT EXAMINER
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